



OVERSIGHT AND
COMPLIANCE

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
9010 DEFENSE PENTAGON
WASHINGTON, DC 20301-9010

DEC 7 2016

MEMORANDUM FOR GROUP FEDERAL OFFICER, OFFICE OF THE UNDER
SECRETARY OF DEFENSE FOR PERSONNEL AND
READINESS

SUBJECT: Department of Defense Wage Committee – Charter Renewal and
Membership Balance Plan Approval

The charter renewal and membership balance plan for the Department of Defense Wage Committee (“the Committee”) are approved. A copy of the Committee’s charter and membership balance plan will be provided to you once I file the charter renewal with the Defense Congressional Oversight Committees, the Library of Congress, and the General Services Administration.

In conjunction with approving the Committee’s charter and membership balance plan, I have reevaluated the member appointment type for the individual designated by each of the two labor organizations having the largest number of wage employees covered by exclusive recognition in the Department of Defense (DoD). Determining a member’s designation status is an agency-level determination, which must be made by this office prior to the approval of the appointment of the individual(s) in question according to DoD policies and procedures.

In consultation with the Department of Defense Office of General Counsel (DoD OGC), I hereby grant a waiver to DoD policy concerning the appointment of representative members to DoD advisory committees. The individual designated by the two labor organizations having the largest number of wage employees covered by exclusive recognition in the DoD will each be appointed to the Committee to serve as a representative member. As such, each individual provides advice reflecting the views of their respective unions and are not be subject to either the Office of Management and Budget’s Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) or the rules and regulations issued by the Office of Government Ethics. This determination is effective immediately and remains in effect unless revoked by the Deputy Chief Management Officer or the Advisory Committee Management Officer.

The other three members, once authorized by the Secretary or Deputy Secretary of Defense and subsequently certified by the USD(P&R) will be appointed to serve as a regular government employee (RGE) or a special government employee (SGE) member, as appropriate. The following additional points apply to the Committee’s charter renewal:

- a) Individual members approved for appointment or renewal of appointment according to DoD policies and procedures, who are not full-time or permanent part-time Federal officers or employees and provide their own best independent judgment based on

their individual expertise and on behalf of the Federal government, must be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Those who are full-time or permanent part-time Federal officers or employees must be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. Those who are not full-time or permanent part-time Federal officers or employees and are selected for the purpose of obtaining the point of view or perspective of an outside interest group or stakeholder interest must be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as representative members.

- b) Each Committee member must be notified, in writing, of their appointment. Any questions pertaining to these letters of notification should be referred to me or to your General Counsel. At a minimum, the letters shall contain the following:
 - i. Notice that each individual's appointment to serve on the Committee is without compensation, with the exception of reimbursement of official Committee-related travel and per diem.
 - ii. A statement that each individual is appointed to serve as an SGE, RGE, or representative member, as appropriate.
 - iii. An explanation of the difference between serving as an SGE or representative member.
 - iv. A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

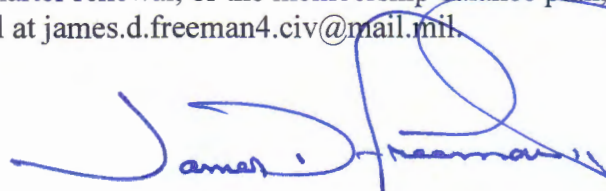
As the Group Federal Officer (GFO) and on behalf of the Committee's Sponsor, the USD(P&R), you are responsible for:

- a) Ensuring that the Committee's Designated Federal Officer (DFO) attends all Committee meetings for the entire duration of each and every meeting.
- b) Ensuring that the DFO and the Committee fully comply with all governing Federal statutes and regulations; DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program"; policy decisions issued by the Secretary of Defense, the Deputy Secretary of Defense, or the Deputy Chief Management Officer; and procedural guidelines issued by the Advisory Committee Management Officer.
- c) All tasks or terms of reference are subject to public review and, at a minimum, shall include:
 - i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
 - ii. Authority for the members of the Committee to access DoD officials and DoD data that is pertinent to the matter(s) under consideration.
 - iii. A date by which the Committee must submit its written conclusions (advice and recommendations) to the DoD decision maker.

- d) Providing adequate support to the Committee and ensuring the Committee is not unduly or inappropriately influenced by Federal employees or any special interest group.
- e) Ensuring that all visits to DoD installations or facilities by members of the Committee occur in consultation with the respective Secretaries of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.
- f) Ensuring all members of the Committee is appointed according to DoD policies and procedures. No member will participate in any work performed by the Committee until all of the following have been completed: the member completes and submits to the DoD all personnel and ethics paperwork required for his or her appointment; the appropriate DoD offices process the individual's personnel and ethics paperwork; and the individual takes the oath of office, if necessary, for his or her appointment.
- g) Ensuring all DoD and other Federal Agency documents provided to the Committee are properly marked according to governing statutes, regulations, and DoD policies and procedures.
- h) Monitoring the implementation status of any recommendation adopted or partially adopted by the DoD and ensuring that this information is available for future inquiries.

Based on the Secretary of Defense memorandum of October 9, 2012, concerning advisory committees, we recommend you continually reevaluate the Committee's functions and reduce, where appropriate, the Committee's operating costs. As then-Secretary of Defense Panetta stated, "we must continually assess our advisory committees to ensure that they deliver appropriate value today and in the future as times and requirements change."

If you should have any questions about this DoD Program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact me at 703-692-5952 or by email at james.d.freeman4.civ@mail.mil.



James D. Freeman II
Advisory Committee Management Officer